

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15675 of Michael A. Jackson, pursuant to 11 DCMR 3108.1, for a special exception under Section 731 to continue to operate a massage establishment as a massage therapy school/student clinic in the basement in a C-2-A District at premises 7826 Eastern Avenue, N.W. (Square 2960, Parcel 91/169).

HEARING DATE: June 24, 1992
DECISION DATE: June 24, 1992 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 4A. ANC 4A, which is automatically a party to the application, by letter dated May 27, 1992 submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 731. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of five years.
2. The hours of operation shall not exceed 11:00 a.m. to 8:30 p.m., Monday through Friday, and 9:00 a.m. to 1:00 p.m., Saturday.
3. The number of weekly massage sessions shall not exceed 24.

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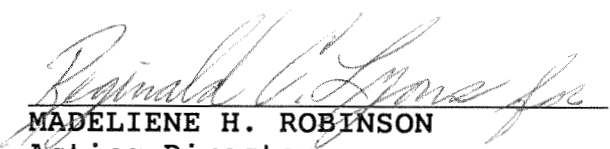
4. The number of people (students and teachers) working in the clinic each day shall not exceed twelve individuals.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (Paula L. Jewell, Maybelle Taylor Bennett, Angel F. Clarens and Carrie L. Thornhill to grant; Sheri M. Pruitt not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

JUL 20 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15675Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on July 10 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Sandra Zimmerman
Potomac Massage Training Institution
7826 Eastern Avenue, N.W.
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Michael A. Jackson, M.D.
7826 Eastern Avenue, N.W.
Suite 500
Washington, D.C. 20012

Judith Anderson, Chairperson
Advisory Neighborhood Commission 4A
7600 Georgia Avenue, N.W., #205
Washington, D.C. 20012


MADELIENE H. ROBINSON
Acting Director

DATE: July 10 1992

15675Att/bhs